## REMARKS

Initially applicants would like to express their appreciation to the Examiner for discussing the present application with applicants' representative on January 26, 2007. During the discussion, the Examiner appeared to indicate his understanding of the differences between the claimed invention involving FSAs, and KENNA et al.'s use of MSAs. The Examiner stated he will update his search in response to formal submission of this Reply. Applicants would also like to express their appreciation to the Examiner for withdrawing the finality of the previous Official Action, i.e., issuing a new non-final action.

Claims 7, 8, 19, and 20 – 25 have been carefully reviewed and appropriately amended to more clearly define the relationship between the various elements, and as so amended, are believed to overcome the various §§ 101 and 112 deficiencies noted by the Examiner. For example, claims 8 and 19 now more clearly recite calculation of the contribution amount. Claim 19 also clarifies the use of the computer for the numerical calculation methods.

As so amended, it should be apparent the claims are directed to a new and useful decision support tool for helping consumers ("a particular user") make optimal contributions to their Flexible Spending Account (FSA) for health care. The optimal contributions for FSAs consider the money not used at the end of the year, because as described in the specification and as is well known, FSAs require forfeiture of any unused money at the end of the year. FSAs are authorized under § 105(b) of the Internal Revenue Code.

In contrast, KENNA et al. only relates to Medical Savings Accounts (MSA)s. MSAs permit money to roll over at the end of the year, i.e., the money is not forfeited. *See* col. 9, lines 29 – 38 of KENNA et al. MSAs were established in Federal law in 1996 in Public Law 104-191 (the "Kassebaum-Kennedy" bill). Not only are KENNA et al. unconcerned with forfeiting unused money at the end of the year, KENNA et al. do not help a particular user determine how much money to contribute. At col. 9, lines 7 – 10, KENNA et al. describe *assuming* a contribution amount instead of calculating it. That is, KENNA et al. describe accounting systems that permit users to electronically deposit money, without regard to determining how much money the users should actually deposit. In fact, the Examiner does not even assert that KENNA et al. teach solving to determine *FSA contributions* for a particular user.

Consequently, for at least these reasons it is believed that claims 7 and 19 are patentable over KENNA et al.

Claims 8 and 20 recite calculation of the contribution amounts using very specific equations that are not taught nor suggested by the applied reference. Consequently, for at least this additional reason, it is believed that claims 8 and 20 are patentable over KENNA et al.

Dependent claims 9 - 13 and 21- 25 are believed to recite further patentable subject matter and are believed allowable at least for the reasons indicated above with respect to the independent claims, in addition to reasons related to their own recitations. Accordingly, applicants respectfully request consideration of the outstanding rejections and the indication of allowability of all the claims in the present application.

No prohibited new matter has been added by the present amendment to the claims. Support for the amendments is provided throughout the specification, for example, paragraph 60.

Any amendments to the claims that have not been specifically noted to overcome a rejection based on the prior art should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account 50-0337. Please ensure that Attorney Docket No. 6847-127/10100727 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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